IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.35574 of 1997

Dated: 15-03-2007

Between:

Jani Bee, w/o late Mohammad,
aged about 70 years,
r/o 5-52, Bangarigadda, Choutuppal,
Nalgonda District.

... Petitioner

and

1. Government of India, rep. by Secretary,
Ministry of Defence, New Delhi and 4 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioner, widow of Mohammad, s/o Galib, Ex.Army Jawan of Nuzam Zumra No.40, states that the said Mohammad after his retirement married her and died on 07-06-1988. She further states that though lifetime arrears of Rs.1,990/- were released in her favour vide Cheque, dated 17-07-1989 by third respondent, her file relating to

family pension has been erroneously sent to fifth respondent and no order has been passed. She also states that on 11-11-1993, fifth respondent informed her advocate that her claim is under consideration. Since she has not received any communication till date, she filed the present writ petition seeking a *mandamus* to direct respondents to sanction and pay family pension to her as the widow of Mohammad, s/o Galib, Ex.Jawan, Nuzma Zumra No.40, with effect from 07-06-1988 along with the arrears.

3. A detailed counter affidavit is filed by second respondent stating that the Controller of Defence Accounts (CDA) Pensions, Allahabad has already sanctioned family pension and pension payment order was forwarded to the Secretary, Government of Andhra Pradesh, Finance and Planning, Family Pension, Secretariat, Hyderabad vide letter No.GI/M/SF/Pre/84/Despatch, dated 18-09-1998 for further process and onward transmission to second respondent for payment of pension. However, the same has not been received in his office and hence, it could not disburse the said pension amount as claimed by petitioner.

4. In the light of the said statement made by second respondent, respondent Nos.4 and 5 are hereby directed to process the pension payment order forwarded by second respondent and communicate the actual amount that is to be paid to the petitioner, so that second respondent will be in a position to disburse the amount of pension.

5. Accordingly, the writ petition is allowed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.15-03-2007

GLV